

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SAY ET AL.

Serial No.: 09/070,677

Filed: APRIL 30, 1998

Due Date: AUGUST 6, 1999

Title: ANALYTE MONITORING DEVICE AND METHODS OF USE

Examiner: M. ASTORINO

Group Art Unit: 3736

Docket: 12008.15US01

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on May 26, 1999.

By: Bruce E. Black

Bruce E. Black

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Other: Supplemental Information Disclosure Statement and Certification in Accordance with 37 C.F.R. §1.97(c), Form 1449, copy of PCT International Search Report and two (2) cited references
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
3100 Norwest Center, Minneapolis, MN 55402
(612) 332-5300

By: Bruce E. Black

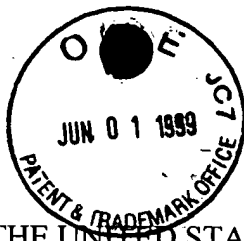
Name: Bruce E. Black
Reg. No.: 41,622
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Group 3700

S/N 09/070,677



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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
AND CERTIFICATION IN ACCORDANCE WITH 37 C.F.R. § 1.97(c)

Assistant Commissioner for Patents
Washington, D.C. 20231

JUN 08 1999

Group 3700

Dear Sir:

In accordance with the Applicant's duty of disclosure toward the Patent Office, the Applicant wishes to bring to the attention of the Examiner the references noted on the attached Form PTO-1449. The references were recently cited in an International Search Report mailed May 6, 1999. Enclosed for the Examiner's information are copies of the references and the International Search Report.

Applicants note reference U.S. Patent No. 5,390,671 to *Lord et al.*, dated February 21, 1995, also listed in the search report was previously cited to or by the Examiner.

CERTIFICATION

The undersigned attorney hereby certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application as indicated above, not more than three months prior to the filing of this Statement.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or

otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Respectfully submitted,

MERCHANT & GOULD P.C.
3100 Norwest Center
90 South Seventh Street
Minneapolis, MN 55402-4131
(612) 332-5300

Date: May 26, 1999

Bruce E. Black
Bruce E. Black
Reg. No. 41,622
BEB:PSTbkh